

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COURTNEY GREEN,

Plaintiff,

-against-

FOX CORPORATION,

Defendants.

22-CV-0243 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

On April 4, 2022, the Court dismissed this action as frivolous. *See* 28 U.S.C. § 1915(e)(2)(b)(i). On the same day, Plaintiff filed a motion for reconsideration. On April 6, 2022, the Court denied Plaintiff’s motion for reconsideration. (ECF No. 24.) On April 12, Plaintiff filed a motion for extension of time to file a notice of appeal,¹ (ECF No. 25), and on April 25, 2022, Plaintiff filed a notice of appeal, (ECF No. 26.) For the reasons set forth below, Plaintiff’s motion for an extension of time to file a notice of appeal (ECF No. 25) is denied as unnecessary.

DISCUSSION

Under Fed. R. App. P. 4(a)(1)(A), a notice of appeal in a civil case must be filed within 30 days after entry of judgment. “[T]he taking of an appeal within the prescribed time is mandatory and jurisdictional.” *In re WorldCom, Inc.*, 708 F.3d 327, 329 (2d Cir. 2013) (citation and internal quotation marks omitted). Because Plaintiff’s time to file a notice of appeal has not expired, a motion for extension of time to appeal is unnecessary. Accordingly, Plaintiff’s request for an extension of time to appeal is denied as unnecessary.

¹ Plaintiff’s motion contains the docket number for this case, but the Defendant listed on the motion is “Live with Kelly and Ryan Show,” which is not the Defendant in this case.

CONCLUSION

Plaintiff's request for an extension of time to file a notice of appeal (ECF No. 25) is denied as unnecessary.

The Clerk of Court is directed to process Plaintiff's notice of appeal (ECF No. 26) in accordance with the procedures of the Clerk's Office.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: September 28, 2022
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge